



# OBITER DICTUM



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## Testing results in court-rules changes

*Jurist is 2011-2012 president of state judges association,*

*spent 2 years working to help jurors 'learn' cases they hear*

The new year promises to be a busy one for Hon. Timothy G. Hicks. In addition to his daily duties as a 14<sup>th</sup> Circuit judge, the jurist also is serving as president of the Michigan Judges Association until next November. But he's used to burning the candle at both ends.



**Hon. Timothy G. Hicks**

For the last two years Judge Hicks, 59, was one of 12 judges across Michigan to participate

in a jury-reform pilot program that resulted in several new court rules implemented last Fall. To introduce those changes to the profession, Judge Hicks wrote an article for the Michigan Bar Journal. He and others also produced a webcast with documents for the Michigan Institute for Continuing Legal Education (ICLE).

Judge Hicks said his interest was less in "reforming" juries than in using education methods to let them do their jobs better. "I've always had an interest in learning theory," Judge Hicks said. "It started with my training as a teacher, working in public schools for seven years, and teaching college classes."  
*Con't Page 4.*

## District Court gets new digs, old problems

Muskegon's 60th District Court started the new year with a new look on a new floor, but with the same old issues of overcrowding and some new concerns with courtroom sightlines and security.

To be sure, the judges' offices are vast improvements over the dank, monk-like cells they inhabited for 50 years. The refurbished offices even offer modest views. Courtrooms, too, offer gleaming cherrywood, new electronics, and new furniture.

At first glance, it appears the court entered the 21st Century.

Despite the almost \$2 million renovation, the 50-year-old building could not be changed in fundamental ways. As a result, support pillars exist in every courtroom, blocking not only judges' sightlines, but also jurors' - and attorneys' - ability to view witnesses and defendants. The existing walls and windows remain unchanged.

Staff members, sometimes stuffed three to a one-person room, remain clustered as they did a floor below. Deputies also noted continued security concerns. Inmates, for example, still must be "perp-walked" down the public hallway - the same hallway by which judges walk to their offices and courtrooms. Judges' office doors open directly onto the hallway where litigants gather.



**Judge Andrew Wierengo III conducts an arraignment at his new courtroom at Kobza Hall of Justice.**

# *Barristers' Ball a staple for at least 50 years* But MCBA board ponders whether changes needed

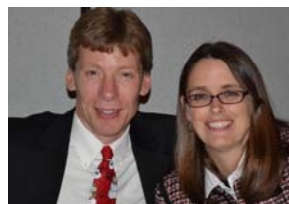


### *Board members seeking views*

The annual event known as the "Barristers' Ball" that brings together attorneys and their spouses for a night of dining and dancing at Muskegon Country Club has been a MCBA staple for at least a half century.

At issue is whether changes are needed. Do we want such an annual gathering? If so, at MCC? Should we seek out alternatives—hire a professional entertainer? Book a professional show or comedian? Go bowling?

Let your board know.  
Thanks!





# *MCBA members sparkle for Barristers Ball*



# Jury-learning experiment results in new rules

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Allowing jurors to take notes and ask questions of the judge has long been accepted practice. Giving jurors the ability to talk about the case as it develops, viewing exhibits from a trial notebook are new. "As an educator, any process that enhances participation of the listener will give you a better result."

After talking with juries for years, Judge Hicks said many are "stunned by the way we typically do business." That is, not informing jurors about what they're looking for. As a result of the "reforms," jurors now are better "able to identify the divergent views (of the parties) or they pay more attention when witnesses testify. They're identifying right away what they need to work on."

The jurist said he's presented his thoughts to his local colleagues in recent years to hear their points of view, but not to proselytize. Local trial attorneys also were reluctant, but times – and attitudes – change.

Surveys taken by the Michigan Supreme Court show jurors appreciate the changes, but lawyers don't. "The facts are in – jurors love it," Judge Hicks said. "Some lawyers, privately, are coming around, realizing the sky won't fall."

To read Judge Hicks' Bar Journal article, go to <http://www.michbar.org/journal/pdf/pdf4article1864.pdf>. To view his ICLE webcast and obtain printed documents about MCR changes, go to <http://www.icle.org/modules/seminars/materials/material.aspx?book=2011ct5681&chap=20112a5681>; and to view a summary of those changes, see <http://www.icle.org/ContentFiles/>.

## Muskegon Probate, Circuit Court and election records now accessible 24 hours a day

While federal courts use electronic filing, Michigan courts remain firmly in the "paper age." However, Muskegon's probate and circuit courts together with the county clerk's office are making great strides to open files to anyone with a computer.

Clerk **Nancy Waters** offers [www.co.muskegon.mi.us/](http://www.co.muskegon.mi.us/) clerk for a link to on-line campaign finance reports filed with her office. Paper records also are maintained by the clerk.

**Kathy Hoogstra**, probate clerk and MCBA member, working with Ms. Waters, also brought circuit and probate court records online – for a fee. Visit [www.muskegon.gov.org](http://www.muskegon.gov.org). The site offers court dockets at no charge, but it requires a subscription to the fee-based service.

## City of Muskegon joins regional pact to lure foreign investment



MCBA President **Mike Walsh** and VP **David Waterstradt** welcome **Cathy Brubaker Clark**. She spoke to the MCBA membership at the 12 October meeting.

Muskegon is partnering with four other regional governments to maximize its economic development prospects. **Cathy Brubaker-Clark**, the city's planning and economic development director, addressed the 12 October MCBA's general membership meeting at Lake House.

The regional partnership was formed as a result of the Next Michigan Development Act to formulate an "interlocal agreement" that will bring together assets such as transportation networks, airport, rail, port, and development acreage. Together, the region can better market itself nationally and internationally.

"This is something that should bear fruit," Ms. Brubaker-Clark said. If not, the city can pull out after two years. "It will be a good thing for our region."

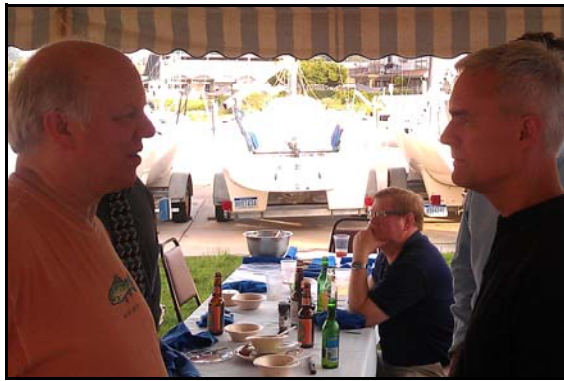
As for Downtown Muskegon, there's "quite a bit taking place," she said, "and it will continue to happen." When the recession hit, several projects were in development and were completed. Now, as the area's economy is re-emerging, new projects are starting.



**Marcia Wilkes** administers the oath to **Joshua A. Reece**, sworn into the bar on 28 October. The 2003 Mona Shores graduate who went on to Alma College and Valporiso Law, is one of five new local attorneys in 2011



STEAK FRY 2011



Photos: David Kortering